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Commission on Judicial Performance
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June 19, 1990

Honorable Raymond D. Mireles
Los Angeles County Superior Court
North West District
6230 Sylmar Avenue
Van Nuys, CA 91401

Dear Judge Mireles:

The commission has investigated charges that on November 6, 1989 you gave official directions to two Los Angeles police officers which appeared to authorize their use of force to obtain the presence of Deputy Public Defender Howard Waco in your court. The commission has concluded its investigation, and at its June, 1990 meeting, determined to impose a Public Reprimand for certain of your conduct as described in the following Investigative Findings:

Investigative Findings

The commission found that on November 6, 1989, in connection with Judge Mireles's handling of the case of People v. Smith, Judge Mireles exhibited exasperation at the absence from his court of defendant Smith's attorney, Deputy Public Defender Howard Waco, and directed two Los Angeles police officers to bring Deputy Public Defender Waco into his court, adding they should bring ^fa piece of¹¹ or "a body part" of Waco to his courtroom. These directions apparently created in the officers the impression and belief that Judge Mireles had authorized their use of physical force.

In carrying out what they perceived to be Judge Mireles's¹ directions, the officers employed physical force to remove Deputy Public Defender Waco from another courtroom and to convey him to and deliver him into Judge Mireles's¹ courtroom.

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Judge Mireles witnessed the officers^f forcible delivery of Deputy Public Defender Waco into his courtroom, but made no inquiry of Mr. Waco or of the officers regarding their actions, and appeared to ignore Mr. Waco's attempts to discuss the officers¹ actions. This contributed to an appearance that Judge Mireles had authorized the police officer's use of force.

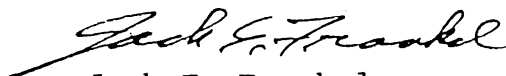
The officers¹ use of force to obtain Deputy Public Defender Waco's attendance in Judge Mireles^fs court and the appearance that Judge Mireles had authorized the officers^f use of force were conveyed to the public through extensive media coverage.

The commission found that Judge Mireles did not intend to authorize or direct the use of force by the officers, but found that Judge Mireles had been careless in the manner in which he had directed the officers by making remarks which he considered jocular but which were capable of being, and apparently were, misunderstood.

The commission found further that Judge Mireles earlier had taken certain actions toward the Public Defenders regarding their appointments as counsel and their continued representation in certain cases, and the Public Defenders had perceived these actions as hostile. The earlier actions involved legal questions arising from Judge Mireles's opinion with respect to effects of the public defender's court staffing practices on court business in Judge Mireles's department; the legal issues involved were appropriately addressed and resolved. This background had further contributed to an appearance that Judge Mireles had authorized or directed the police officers^f use of force toward Deputy Public Defender Howard Waco. (The commission made no findings regarding the propriety or correctness of the earlier actions themselves.)

In imposing a public reproof, the commission noted that Judge Mireles has acknowledged responsibility for having made remarks which apparently were misunderstood as authorizing the officers¹ use of force, and that he has expressed regret for having made the remarks and for the ensuing mistreatment of Deputy Public Defender Waco.

Very truly yours,



Jack E. Frankel